

MARCIA L. FUDGE
11TH DISTRICT OF OHIO

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LABOR & PENSIONS

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE

U.S. HOUSE OF REPRESENTATIVES
2344 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-7032; (202) 225-1339 FAX

DISTRICT OFFICES

RICHMOND HIGHLAND CENTER
4834 RICHMOND ROAD, SUITE 150
WARRENSVILLE HEIGHTS, OHIO 44128
(216) 522-4900; (216) 522-4908 FAX

LAWTON COMMUNITY CENTER
1225 LAWTON STREET
AKRON, OHIO 44320
(330) 835-4758; (330) 835-4863 FAX

E-MAIL: <http://fudge.house.gov>

May 14, 2019

Secretary Sonny Perdue
U.S. Department of Agriculture
1400 Independence Avenue
Washington D.C. 20250

Dear Secretary Perdue:

This letter to the U.S. Department of Agriculture (USDA) is regarding Ms. Naomi Earp's pending confirmation for Assistant Secretary for Civil Rights. I previously expressed reservations about her nomination during our April 4, 2019, meeting. However, with Ms. Earp's confirmation moving forward, I write to formally share my concerns and request additional information about current and future plans for improving civil rights enforcement at the Department.

The Office of the Assistant Secretary for Civil Rights has an important responsibility. USDA's website outlines its mission is to *"provide leadership and direction for the fair equitable treatment of all USDA customers and employees while ensuring the delivery of quality programs and enforcement of civil rights."* However, Ms. Earp's over 20 years of federal service reportedly often fell short of this standard. A 2002 NAACP report suggested Ms. Earp fostered a culture of low morale, favoritism, and high senior staff turnover, while serving in various leadership positions in the federal government.¹ The report was written in response to Ms. Earp's then nomination for a top position at the Equal Employment Opportunity Commission. The report detailed the organization was *"concerned about anyone...who has been intricately and frequently linked to situations involving patterns and practices of disparate treatment against minorities and others within the Federal government."* This, along with similar reports allegedly linking her to workplace abuses and discriminatory practices, is deeply troubling, especially given the important role of the office Ms. Earp is nominated to lead.

Additionally, I understand as of January 28, 2019, Ms. Earp has been serving as the Deputy Assistant Secretary for Civil Rights, pending her confirmation. Your decision to appoint Ms. Earp to a senior level position that does not require Senate approval, while her confirmation remained in pended status, raises questions. Nevertheless, to better understand Ms. Earp's

¹ Warren, L. (2002, March 20). A Special Report and Critique of Naomi Churchill-Earp, Esq.: Nominee for the Position of U.S. Equal Employment Opportunity Commission (EEOC) Commissioner. Retrieved from <http://www.coalition4change.net/wp-content/uploads/2013/07/NAACP-Federal-Sector-Task-Force-Report-Naomi-Churchill-Earp.pdf>

current role and her plans for the office moving forward, I ask that you provide the following information:

1. Details on the role and responsibilities of the Deputy Assistant Secretary for Civil Rights and the Assistant Secretary for Civil Rights.
2. An organizational chart showing who oversees the Deputy Assistant Secretary and which positions report to both the Deputy Assistant Secretary and the Assistant Secretary.
3. Details on all newly announced and/or implemented initiatives, policies, guidance or materials, as it relates to the Office of Civil Rights, as of January 28, 2019.
4. The current number of complaints pending hearing or appeal before the Equal Employment Opportunity Commission, including the number of pending EEO complaints exceeding the 180-day time limit for review and investigation.
5. A description of how Ms. Earp's plans to address allegations of civil rights violations, including harassment and discrimination, within the Department currently and moving forward.
6. A description of how Ms. Earp plans to address allegations of civil rights violations within the Office of Civil Rights currently and moving forward.

We owe it to USDA employees to hold its leadership to the highest standard possible. I am committed to ensuring workers' civil rights are protected to the full extent and letter of the law – I hope both you and Ms. Earp share my commitment. I look forward to your response.

Sincerely,



Marcia L. Fudge
Member of Congress

cc: The Honorable Pat Roberts, U.S. Senate
The Honorable Debbie Stabenow, U.S. Senate